

**REMARKS**

Applicants respectfully request reconsideration of the application, as amended, in view of the following remarks.

The present invention as set forth in **Claim 1** relates to a dispersion, comprising:  
a solids content of 10-70% by weight comprising

a) from 90 to 99% by weight of a methacrylate copolymer comprising at least 90% by weight of a (meth)acrylate monomer containing at least one neutral radical and having a glass transition temperature T<sub>g</sub> of from -20°C to +20°C as determined by the DSC method, and

b) 1-10% by weight of a **nonionic emulsifier** having an **HLB of from 15.2 to 17.3**.

**Claim 19** relates to the dispersion according to claim 1, wherein said emulsifier does not crystallize after drying said dispersion.

Tomoaki et al and Lippmann et al fail to disclose or suggest a dispersion, comprising, inter alia, 1-10% by weight of a **nonionic emulsifier** having an **HLB of from 15.2 to 17.3**.

Tomoaki et al (JP 01-113322) fail to disclose or suggest a dispersion having a **nonionic emulsifier** having an **HLB of from 15.2 to 17.3**. Tomoaki et al only disclose an **anionic emulsifier** such as sodium dodecyl sulphate (Tomoaki et al, abstract).

The Examiner has now combined Tomoaki et al with Lippmann et al to show the non-ionic emulsifier. The Examiner has taken the position that the data in the specification do not provide unexpected results. However, the specification states at page 5, 1<sup>st</sup> full paragraph that the HLB of anionic emulsifiers is virtually always above or well above 20. Thus, anionic emulsifiers such as those in Tomoaki et al cannot be simply substituted of the claimed nonionic emulsifiers having an HLB of 15.2 to 17.3.

Further, there is only a general disclosure of an **HLB value of greater than 10** in Lippmann et al. See col. 5, lines 1-3. Lippmann et al fail to disclose or suggest that a HLB value of 15.2 to 17.3 has a distinct influence on the crystallization behavior of the emulsifier. They think all values above 10 work well, which is not the case as shown by the Examples in the specification.

The specification of the present invention discloses at page 5, 2<sup>nd</sup> full paragraph that the HLB value of the emulsifier has a **distinct influence on the crystallization of the emulsifier**. If the HLB is above the claimed range, the emulsifiers crystallize. If the HLB is below the claimed range, the emulsifiers are unable to stabilize the emulsion sufficiently.

Further, the superior results obtained with the claimed emulsifier are demonstrated in the Examples, particularly in the Table at page 14. Examples 10-13 according to the present invention do not exhibit crystallization of the emulsifier.

In contrast, Comparative Examples 6, 7, 8 and 9 have HLBs that is higher than the claimed upper limit of 17.3. **All four comparative examples show crystallization of the emulsifier.**

Comparative Examples 14 and 15 have HLBs that are smaller than the claimed lower limit of 15.2, **they are not stable and show a high amount of coagulum: >10 and 8.21%, respectively.**

The superior results of the claimed **nonionic emulsifier** having an **HLB of from 15.2 to 17.3** are not disclosed or suggested by Tomoaki et al or Lippman et al.

Therefore, the rejection of Claims 1-19 under 35 U.S.C. § 103(a) as being unpatentable over Tomoaki et al in view of Lippman et al is believed to be unsustainable as the present invention is neither anticipated nor obvious and withdrawal of this rejection is respectfully requested.

Application No.: 09/926,484

Reply to the Office Action dated: June 7, 2005

This application presents allowable subject matter, and the Examiner is kindly requested to pass it to issue. Should the Examiner have any questions regarding the claims or otherwise wish to discuss this case, he is kindly invited to contact Applicants' below-signed representative, who would be happy to provide any assistance deemed necessary in speeding this application to allowance.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.  
Norman F. Oblon

Customer Number

**22850**

Tel: (703) 413-3000

Fax: (703) 413 -2220

NFO:KAG:



---

Kirsten A. Grueneberg, Ph.D.  
Registration No.: 47,297